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8 IN THE UNITED STATES DISTRICT COURT  
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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11 DARIUS OGLOZA,

No. 14-2103 MMC

12 Plaintiffs,

13 v.

14 THE HERTZ CORPORATION; DOLLAR  
15 THRIFTY AUTOMOTIVE GROUP, INC.;  
DTG OPERATIONS, INC.,

16 Defendants.

**ORDER DIRECTING PLAINTIFF TO  
SHOW CAUSE WHY COMPLAINT  
SHOULD NOT BE DISMISSED FOR  
LACK OF JURISDICTION;  
ALTERNATIVELY AFFORDING  
PLAINTIFF LEAVE TO FILE AMENDED  
COMPLAINT; STAYING DEADLINES RE:  
DEFENDANTS' MOTION TO DISMISS**

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18 Before the Court is plaintiff's complaint, filed May 7, 2014, in which plaintiff asserts  
19 seven causes of action, all arising under state law, and over which, according to plaintiff,  
20 the Court has diversity jurisdiction.

21 "A federal court has jurisdiction over the underlying dispute if the suit is between  
22 citizens of different states, and the amount in controversy exceeds \$75,000 exclusive of  
23 interest and costs." Geographic Expeditions, Inc. v. Estate of Lhotka, 599 F.3d 1102, 1106  
24 (9th Cir. 2010); 28 U.S.C. § 1332(a). "Where the plaintiff originally files in federal court, the  
25 amount in controversy is determined from the face of the pleadings." See Geographic  
26 Expeditions, 599 F.3d at 1106 (internal quotation and citation omitted).

27 Here, as set forth in the complaint, plaintiff's claims arise from an automobile  
28 accident in which plaintiff was driving a vehicle rented from defendants and "no one was  
seriously injured." (See Compl. ¶ 15). Plaintiff alleges defendants, despite having

1 promised plaintiff a substitute vehicle, did not provide such vehicle and that, as a result,  
2 plaintiff was required to obtain a rental car “on an emergency basis,” causing him to incur  
3 damages in an amount “in excess of \$1,250.” (See id. ¶¶ 19-20.) Plaintiff further alleges  
4 that defendants were compensated by plaintiff’s insurance company for the value of their  
5 lost rental vehicle, but have attempted to collect from plaintiff “an additional payment above  
6 the value of [that] automobile.” (See id. ¶¶ 21-23.)

7 Although in his Prayer for Relief plaintiff seeks damages in an “amount to be proven  
8 at trial, but in no event less than \$195,000” (see id. at 15), plaintiff includes no factual  
9 allegations to support such conclusion. The Court recognizes that certain of the statutes  
10 under which plaintiff sues provide for recovery of attorney’s fees, and that plaintiff may be  
11 relying on such additional amount to meet the jurisdictional minimum. Any estimate of such  
12 fees, however, must be “reasonable.” See, e.g., Miera v. Dairyland Ins. Co., 143 F.3d  
13 1337, 1340 (10th Cir. 1998).

14 Accordingly, plaintiff is hereby DIRECTED to show cause, in writing and no later  
15 than August 8, 2014, why his complaint should not be dismissed for lack of jurisdiction.

16 Alternatively, if plaintiff is of the view that he could allege additional facts to support a  
17 finding that the amount in controversy exceeds \$75,000, plaintiff may respond to the instant  
18 order by filing, no later than August 8, 2014, an Amended Complaint that includes any such  
19 additional facts, as well as any other amendments plaintiff may choose to make to his  
20 existing claims.

21 Lastly, in light of the above, all further briefing, as well as the hearing, on defendants’  
22 Motion to Dismiss Complaint or in the Alternative for a More Definite Statement, filed July 7,  
23 2014 and refiled July 16, 2014 after the instant action was reassigned to the undersigned,  
24 is hereby STAYED pending plaintiff’s response to the instant order, after which defendants  
25 may either renote their motion or take whatever

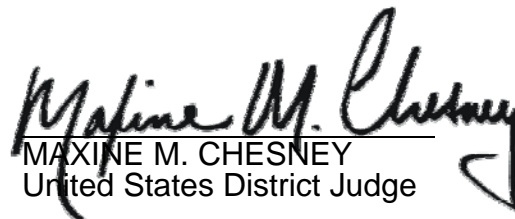
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1 other action defendants deem appropriate at that time.

2 **IT IS SO ORDERED.**

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4 Dated: July 18, 2014

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MAXINE M. CHESNEY  
United States District Judge